

REMARKS/ARGUMENTS

Claims 2, 3, 5, 6, 9, 10, 12-16 and 54-63 are pending herein. Claims 17-53 have been cancelled without prejudice or disclaimer in response to the Restriction Requirement (discussed below). Claims 1, 4, 7, 8 and 11 have been cancelled in favor of new independent claims 54-56. New independent claim 54 corresponds to original claim 4 rewritten in independent form. Claims 2, 3, 5 and 6 have been amended to depend from new claim 54. New independent 55 corresponds to original claim 11 rewritten in independent form with the addition of original claim 8. Claims 9, 10 and 12-16 have each been amended to depend from new claim 55. New independent claim 56 corresponds to original claim 12 rewritten in independent form with the addition of original claim 8. New claims 57-63 correspond to original dependent claims 9-11 and 13-16, respectively, and each depend from new claim 56.

Applicants appreciate the PTO's indication that claims 4, 6, 11 and 12 would be allowed if rewritten in independent form. Although Applicants do not acquiesce to the art-based rejections discussed below, claims 4, 11 and 12 have been rewritten in independent form as new claims 54-56, respectively.

1. Applicants affirm the provisional election to prosecute claims 1-16. Claims 17-53 have been withdrawn from consideration as being drawn to a non-elected invention, and thus have been cancelled without prejudice or disclaimer. Applicants reserve the right under 35 U.S.C. §121 to file a divisional application for the non-elected claims.

2. The objections to claims 1 and 6 are noted, but deemed moot in view of the rewritten claims submitted above.

3. Claims 1, 5, 7-9, 13 and 14 were rejected under §102(b) over Kita et al. Claims 2, 3, 10, 15 and 16 were rejected under §102(b)/§103(a) over Kita et al. As discussed above, claims 4, 11 and 12 have been rewritten in independent form as new claims 54-56, respectively. Consequently, these rejections are now moot.

4. Claims 1-10 and 13-16 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 9-16 and 18-27 of co-pending application USSN 09/819,329¹. Since this is a provisional rejection involving a co-pending

¹Examiner Mercado acknowledged, during a telephonic interview on October 27, 2003, that the Office Action incorrectly cites to USSN 09/819,239. Examiner Mercado stated that the above-noted claims are being provisionally rejected under the judicially created doctrine of obviousness-type double patenting over certain claims of USSN 09/819,329.

application (the claims of which could conceivably change during the course of prosecution), the PTO is requested to hold this rejection in abeyance until the claims of the '329 application have been allowed and the above-discussed art-rejections have been withdrawn.

Applicants respectfully submit that all pending claims herein are now in condition for allowance. Accordingly, the PTO is requested to issue a Notice of Allowance for this application in due course.

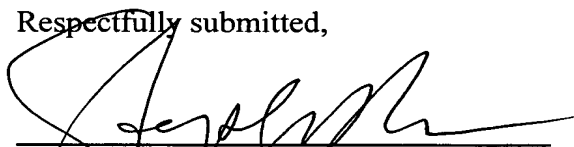
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

October 30, 2003

Date

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

SPB:SWC:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320